

## **MEETING #8 – January 28**

At a Workshop Meeting of the Madison County Board of Supervisors on Monday, January 28, 2013 at 2:00 p.m. in the Thrift Road Complex located at 302 Thrift Road:

PRESENT: J. Dave Allen, Chairman  
Doris G. Lackey, Vice-Chair  
Jerry J. Butler, Member  
Pete J. Elliott, Member  
Jonathon Weakley, Member  
Ernie Hoch, County Administrator  
V. R. Shackelford, III, County Attorney  
Phillip Tartaglia, Finance Director  
Jacqueline S. Frye, Clerk of the Board

### **1. Workshop Meeting Agenda**

Chairman Allen called the meeting to order and noted that all members are present and a quorum was established.

### **2. Pledge of Allegiance & Moment of Silence**

The Board of Supervisors commenced their meeting with the Pledge of Allegiance and a moment of silence.

### **3. Adopt Agenda:**

Chairman Allen advised that Item d-1 will need to be added to allow representatives from Plow & Heath to provide input pertaining to the proposed zoning amendment to be considered at the February Joint Meeting.

Supervisor Lackey asked if there needed to be discussion on the proposed amendments to the Ordinance to provide real estate tax deferral for (the) elderly and handicapped persons in lieu of the proposed public hearing.

Chairman Allen advised the public hearing has been rescheduled and advertised for the March Joint Meeting.

The County Attorney was present and advised that he had to reschedule the public hearing on the above referenced Ordinance until the March Joint Meeting and action can be taken at the March Regular Meeting.

Chairman Allen advised the Board can discuss the contents of the proposed amendments at the February Workshop Session, if the Board so desires.

Chairman Allen called for further additions, deletions or corrections to today's Agenda.

Supervisor Lackey moved that the Board adopt the Agenda as amended, seconded by Supervisor Weakley, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Nay
Pete J. Elliott	Nay
Jonathon Weakley	Aye

#### **4. Agenda Items:**

##### **a. Financial Review:**

Chairman Allen advised the certificate of claims were just provided; therefore, he questioned if all members were in favor of reviewing those for discussion/action at the February Regular Meeting.

- i. Certificate of Claims [General Operations (December 2012 – FY2013)]
- ii. Certificate of Claims [Debt Service (December 2012 – FY2013)]
- iii. Certificate of Claims [Tourism Enhancement (December 2012 – FY2013)]
- iv. Supplemental Requests – General Operations (December 2013 – FY2013)]

##### **b. Minutes #50 through #57:**

Chairman Allen asked if there were any questions pertaining to the above sets of minutes.

Supervisor Lackey advised that she has a couple of corrections and will pass these along to the Clerk.

##### **c. School System Supplemental Requests:**

- i. \$21,194.56 for Category 1000 [Instruction]
- ii. \$29,659.25 for:
  - \$18,910.57 for Category 8000 [Technology]
  - \$10,354.80 for Category 1000 [Instruction]
  - \$393.88 for Category 200 [Health]

Chairman Allen asked if there was an explanation for the supplemental requests submitted by the school system.

The County Administrator advised that he will need to meet with the Treasurer to verify that the above referenced funds have been received.

Supervisor Lackey questioned what is 'e-rate' funds.

There was also a question about textbook funds, to which Chairman Allen explained are funds received from state and federal sources; these are existing funds but they aren't appropriate to the school system until there is a need.

Supervisor Elliott questioned what the amount of \$18,910.57 will be used for, since this amount exceeds what was originally budgeted.

The County Administrator advised that he will inquire as to the purpose of the aforementioned funds and will also ask a school representative to attend the February Regular Meeting to provide input.

**d. Congressman Robert Hurt:**

Mr. Scott Leake, from Congressman Hurt's office was present to introduce himself as the liaison to the congressman; he offered his services to the Board and offered to assist in whatever way necessary to the County. In closing, he feels the Congressman will be seen often in the County during the next few years.

Mr. Leake advised that he has received information on the proposal for the Shenandoah National Park and asked about the park foundation.

The County Administrator advised the process to identify all parties involved has been underway. However, the recent Superintendent of the Park did retire – once a new incumbent is in place, discussions will commence.

Supervisor Elliott questioned the Congressman's ideas on the new gun laws.

Mr. Leake indicated the Congressman hasn't expressed any definitive concerns on the aforementioned issue, but in looking at his past record, one can see that he has been very consistent in his views on the matter.

**e. Plow & Hearth**

Paul Abugattas and Dana Pappas of Plow & Hearth were present to provide input about the proposed changes to the Ordinance.

Mr. Abugattas advised the proposed changes would adversely impact the tent sales held by the store four times (4x) annually, as these sales generate quite a bit of revenue. Additionally, Plow & Hearth partners with other County businesses and entities and asked the Board to take these concerns into consideration. In closing, he urged the Board to continue to allow Plow & Hearth to hold the tent sales four times (4x) annually as was allowed a few years ago, as he feels the proposed language will only allow tent to be in place for three (3) days within a thirty (30) day period – Plow and Hearth usually sets up the tent for a week prior to the tent sale commencing, thereby making the event a two (2) week event.

Mr. Pappas advised that it actually takes about two (2) to three (3) days to erect the tent and to fill it with the products that will be for sale. In closing, he advised the tent is on Plow & Hearth's property which is zoned B-1.

Chairman Allen advised the purpose of the public hearing will be to bring all issues forth; unless there is a compelling reason, the Board will not act on the issue.

In closing, Mr. Abugattas advised that he and other representatives will plan to attend the meeting.

The County Attorney advised that to the best of his knowledge, the property where Plow & Hearth is located is conditionally rezoned with specific conditions.

Supervisor Butler advised that when discussions were brought forth about tent sales, he believes Plow & Hearth was limited to one (1) week events; however, for the past three (3) years, tent sales were approved for two (2) days and/or up to four (4) days.

Mr. Abaguttas advised that Plow & Hearth coordinates the sales with the surrounding businesses, advertises locally through the newspaper and media, and generally sends mass emails to notify folks. In closing, he advised that about twenty percent (20%) of business generated during the tent events and many are impacted, and the entire property is opened for parking and manned by volunteers from the Ruritan clubs.

#### d. School Restroom Renovations (WMS/MCHS)

Chairman Allen advised the CIP Committee met this past week; representatives from Crabtree, Rohrbaugh Associates, Inc. were present and provided plans and cost projections for renovations of the restrooms at the middle school and high school.

Supervisor Lackey asked about the agreement with the architects and what percentage of the project costs will they receive.

Chairman Allen advised that although he hasn't actually reviewed the document, he believed the projections were to be approximately seven percent (7%).

Supervisor Elliott advised that the school system negotiated an 'up front' figure with the engineers, although he's unsure of the figure.

The County Administrator advised that he believed the percentage was negotiated lower, but indicated the original amount was about nine percent to ten percent (9%-10%).

Supervisor Butler questioned who condemned the bleachers and whether he could review the report.

The County Administrator advised the school system would be in possession of the report pertaining to this matter.

Supervisor Elliott advised that based on information provided by representatives from Crabtree, Rohrbaugh Associates, Inc., the bleachers contained an unsafe section that was removed; however, they didn't remove the bleachers from use. In closing, he advised that the school system hired a firm to perform the evaluation. Furthermore,

Chairman Allen advised the representatives from Crabtree, Rohrbaugh Associates presented a proposal that contained some reconfigurations of existing space and some restrooms that are to be fully ADA compliant within a price ranging from \$940,000.00, and some restrooms that will be ADA compliant without any upgrades. In closing, he advised there is \$110,000.00 in the CIP to be applied to this project.

Supervisor Elliott further explained the proposal will fix items that don't currently work.

Chairman Allen advised that some of the restrooms are in need of having flooring replaced, as well as fixtures and piping. In closing, he advised that school representatives will meet again to discuss phasing the proposed work.

The County Administrator presented a document to denote the proposal being presented by representatives from Crabtree, Rohrbaugh Associates, Inc., that denoted:

- a) Restrooms to be completely torn out;
- b) Restrooms to receive minor upgrades;
- c) Restrooms that will be reconfigured;
- d) Restrooms that will be denoted as 'unisex';

In closing, he advised that all the aforementioned work can be satisfactorily done for about \$650,000.00.

After discussion, Chairman Allen and Supervisor Elliott agreed the work that will done should be done completely and not pieced together, as what will be used by the public must be done correctly.

Supervisor Lackey agreed that HVAC and restroom renovations are the most important pieces of the school's projects. In closing, she questioned if there could be some 'trade-offs' (i.e. paving), as the most important projects should be completed first.

Concerns were also verbalized as to what the school system will be willing to cut in the event there isn't enough funding to complete the work, and whether there will be time to get all renovations done while school is out for the summer months.

The County Administrator advised there is some concern about overages; the MOU is structured to denote each project and if one project comes in under budget, the unused funds can be applied to another project.

Further concerns were verbalized as to whether the HVAC work can be completed all at once and whether a balance should be sought regarding cost and what needs to be done.

Chairman Allen asked if today's proposal is something the County is willing to consider.

Supervisor Elliott expressed concerns about the school's facilities that the citizens and students are subjected to use.

The County Administrator also advised that representatives from Crabtree, Rohrbaugh Associates, Inc., also advised that some of the restrooms denoted on today's printout will not undergo any structural work.

Supervisor Lackey expressed a desire to have the work done, but questioned whether all the work can be done effective for the proposed amount of \$650,000.00.

## **5. Closed Session**

None.

## **6. Information/Correspondence (if any)**

### **HB-2340 (Gun Use):**

Chairman Allen advised that the Commonwealth of Virginia approved an Ordinance regarding federal amendments on gun use (HB-2340). In closing, he advised the County can enact a Resolution if desired.

In closing, Supervisor Lackey was opposed to the County enacting a Resolution and Supervisor Butler suggested if a Resolution is done, it should uphold the Constitution.

### **Shenandoah National Park Entrance:**

Supervisor Weakley advised there are some citizens who ride horses and trout fish along the park entrance; therefore, he is concerned how increased traffic will affect these individuals.

Supervisor Butler commented on a letter received from a citizen who wants her E911 road name changed.

Robert Finks, Director of Emergency Communications, was present and provided an overview of the problems that occurred in the past regarding the HOA where the citizen resides.

Supervisor Lackey advised that in her opinion, the desire for Plow & Hearth to hold tent sales should be a 'by right' use, although the case would be different if the property were zoned residential.

The County Attorney advised that conditions for the property were molded around what's already in place at the location. He also advised that when the property was rezoned, Plow & Hearth wasn't in place at the location; therefore, the conditions weren't molded around what's in place at this time. In closing, he advised that in order to change the existing conditions, the property will need to be rezoned; he will do some research and provide input for further discussions on the issue.

Supervisor Butler also verbalized concerns about the right to hold a yard sales and seasonal sales.

## **7. Adjournment:**

With no further action being required, on motion of Supervisor Lackey, seconded by Supervisor Weakley, Chairman Allen adjourned the meeting, with the following vote recorded:

J. Dave Allen	Aye
Doris G. Lackey	Aye
Jerry J. Butler	Aye

Pete J. Elliott	Aye
Jonathon Weakley	Aye
Jonathon Weakley	Aye

---

J. Dave Allen, Chairman  
Madison County Board of Supervisors

---

Jacqueline S. Frye, Clerk of the Board

Adopted on: \_\_\_\_\_

Copies: J. Dave Allen, Doris G. Lackey, Jerry J. Butler, Pete J. Elliott, Jonathon Weakley,  
V. R. Shackelford, III & Constitutional Officers

\*\*\*\*\*